

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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**ARRELLO BARNES,**

**Plaintiff,**

**9:15-cv-777  
(GLS/DEP)**

**v.**

**ANTHONY ANNUCCI et al.,**

**Defendants.**

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**APPEARANCES:**

**OF COUNSEL:**

**FOR THE PLAINTIFF:**

Arrello Barnes  
Pro Se  
00-A-0597  
Upstate Correctional Facility  
P.O. Box 2001  
Malone, NY 12953

**FOR THE DEFENDANT:**

HON. LETITIA JAMES  
New York State Attorney General  
The Capitol  
Albany, NY 12224

COLLEEN D. GALLIGAN  
Assistant Attorney General

**Gary L. Sharpe  
Senior District Judge**

**ORDER**

On March 12, 2019, Magistrate Judge David E. Peebles filed an Order, Report, and Recommendation (R&R), which recommends that

defendants' motion for summary judgment be granted, plaintiff *pro se* Areollo Barnes' cross-motion for summary judgment be denied, and the second amended complaint be dismissed. (Dkt. No. 105 at 44-45.) Pending before the court are Barnes' objections to the R&R. (Dkt. No. 108.)

Barnes' objections are problematic for several reasons: they overlook or misapprehend the reasons supporting the recommendations in the R&R, they rehash arguments previously presented to and rejected by Judge Peebles, and they raise new arguments not presented to Judge Peebles with the initial briefing. For all of these reasons, Barnes' objections are properly classified as general and merit review of the R&R for clear error only. See *Almonte v. N.Y.S. Div. of Parole*, No. Civ. 904CV484, 2006 WL 149049, at \*5-\*6 (N.D.N.Y. Jan. 18, 2006). After carefully considering the R&R and Barnes' objections, and finding no clear error — or error of any kind — the R&R, (Dkt. No. 105), is adopted in its entirety.

Accordingly, it is hereby

**ORDERED** that the Order, Report, and Recommendation (Dkt. No. 105) is **ADOPTED** in its entirety; and it is further

**ORDERED** that defendants' motion for summary judgment (Dkt. No.

97) is **GRANTED**; and it is further

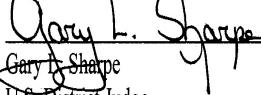
**ORDERED** that Barnes' cross-motion for summary judgment (Dkt. No. 102) is **DENIED**; and is further

**ORDERED** that Barnes' second amended complaint (Dkt. No. 72) is **DISMISSED**; and it is further

**ORDERED** that the Clerk close this case; and it is further  
**ORDERED** that the clerk provide a copy of this Order to the parties in accordance with the Local Rules of Practice.

**IT IS SO ORDERED.**

March 27, 2019  
Albany, New York

  
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Gary L. Sharpe  
U.S. District Judge